SOME THOUGHTS ON THE INVESTIGATIVE ACTION OF DEMONSTRATION FOR IDENTIFICATION IN THE PRESENCE OF MINORS IN SPECIALLY EQUIPPED INVESTIGATION ROOMS

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ABSTRACT

The article analyzes the views of scientists on the issues of the characteristics of the minors in the process of investigative action of identification for recognition in specially equipped investigation rooms. Recommendations have been developed on the basis of the scientists` views on the conduct of identification for recognition in the investigative actions in specially equipped interrogation rooms with the participation of minors.

Keywords: crime, minors, investigation, identification for recognition, specially equipped interrogation room, suspect, accused, investigative action.

1. Introduction

Certain results have been achieved in the prevention of crimes and other offenses, protection of the rights, freedoms and legitimate interests of citizens as a result of systemic reforms in the judicial system of our country.

As a logical continuation of the ongoing reforms in this field, the Presidential Decree (PD-2898) was adopted, and tasks were assigned to the state bodies responsible for the organization of special rooms equipped with audio and video recording equipment for the conduct of certain investigative actions in the investigation of necessary criminal cases, in accordance with the Decree of the President of the Republic of Uzbekistan "On measures to radically improve the activities of criminal investigation of the internal affairs organs" dated on April18, 2017. Today, specially equipped investigation rooms have been set up in the Investigation department under the Ministry of internal affairs and in some of its subdivisions in accordance with the requirements of this decision. These rooms are mainly used for interrogation, meeting and identification for recognition.

2. Results and its discussion

In order to ensure the safety of the identifier, the identification for recognition may be conducted under conditions that exclude the identification of the identifier, the Article 127 of the Criminal procedural code of the Republic of Uzbekistan has been supplemented with a new part, accordingly the wider use of specially equipped investigation rooms in the investigation of crimes.

It is advisable to conduct some of the investigative actions for identification in their presence in the form described above for further prevention of psychological pressure on minor participants and to ensure their safety. For this type of identification, the age, sex, personality and procedural status, level of mental development, intelligence, attention, and perception of the outside world of the juvenile should be taken into account in determining the place and form of the investigative action [1].

The presentation for identification may be conducted in the general order in case a juvenile suspect is presented to other participants in the proceedings for identification, or when this investigative action is conducted between two juvenile participants in the proceedings. If the identifier is a minor and in the course of preparation for the investigation he/she shows signs of fear, hesitation or insecurity [2], then it is advisable to hold the identification test in specially equipped interrogation rooms.

It is not stipulated in the Criminal procedural Code of the Republic of Uzbekistan that the identification for recognition are to conduct in the specially equipped interrogation rooms in exception

case. The exceptional case may be in various forms.

The "conditions under which an identifier may see an identifier" may vary. In particular, N.M. Kushaev and Sh.F. Fayziev stated that recognition for display in such conditions can be done through a one-sided viewing window, darkening the recognizable location and increasing the light level of the recognizable location. [3]. N.N. Ilin, on the other hand, proposed to conduct this investigative action using video footage of the to be-identifier's actions in order to ensure the safety of the identifier [4].

The specially equipped interrogation rooms mentioned above are equipped with a one-sided viewing window, where the necessary conditions are created for the identification of the investigative action to be carried out in conditions that exclude its participants from seeing each other. It is not inconsistent with the procedural order to carry out this investigative action by darkening the recognizable location and increasing the light level of the recognizable location in the areas of investigative units where such rooms are not established.

In our view, it is topical issue to use video and conduct identification for recognition in the investigative action suggested by N.N. Ilin. Firstly, the current legislation does not provide for any procedure for conducting this form of investigative action for identification. Secondly, it cannot be considered as an identification in the environment that excludes participants from seeing each other because the identity of the person being identified was not present in the presentation for identification in this form. Therefore, it is not advisable to conduct a demonstration investigation for identification using video footage.

The general tactical rules for conducting the investigative demonstration with the participation of minors must be followed when carrying out the investigative action in specially equipped interrogation rooms. In this regard, T.B. Mamatkulov, Sh.Kh. Khasanov recommended that the actions to identify the person should be performed tactically in the following sequence:

- 1) to invite witnesses, and explain their rights and obligations;
- 2) to invite statisticians, and explain their rights and obligations;
- 3) to invite the person to be recognized, explain to him his rights and obligations and offer him to choose any place from other participants;
- 4) to invite the identifier, and explain to him the purpose and procedure of the investigative action, his rights and obligations, refuse to testify if he is a witness or victim, or warn him about criminal liability for knowingly giving false testimony;
- 5) to invite the identifier to observe the persons nominated and to testify about the acquaintance of any of them, if in case he can recognize, which one and for what reasons;
 - 6) to invite the recognized person to say his / her full name (first, last, middle names altogether);
 - 7) to ask the identifier and the recognized person if they have any questions for each other;
- 8) to ask the participants of the investigative action whether they have any opinions, additions and objections to the presentation process for identification;
 - 9) to record in the protocol the investigative action for identification [5].

All of these investigative actions are carried out in specially equipped interrogation rooms. However, they are performed in a different order and sequence. Including,

- Demonstration for identification is carried out in two rooms (identifiers and witnesses are in one room, recognized persons and statisticians are in another room);
- the rights and obligations of the participants in the investigative action are explained in different places in sequence, not simultaneously and in one place;
- Video recording of the results of the investigation can be done in both rooms using separate technical means [6].

The interrogation should be conducted in a specially equipped interrogation room and more information should be obtained by asking clarifying questions about the identity of the person being identified in the preparation for minor identification test. Minors report that they may recognize the particular person during interrogation in some cases, but may not be able to describe his or her

individual characteristics, under the influence of personality traits such as lack of careful observation of the situation around him or her, lack of life experience and lack of vocabulary. This is because forgetting the details of actions and personal information in a short period of time is one of the characteristics of minors.

If minor participant begins to forget the appearance and distinctive features of the person to be identified for identification, it may be more difficult to identify him or her through tinted window in the specially equipped interrogation room.

L.F. Ivanova and D.S. Ivanov point out that the nature of human memory varies, and although a person can remember a certain person in full, the answer to some questions about his appearance (for example, the shape of the head, the structure and location of facial organs) may be difficult to give [7].

In such cases, it is possible to obtain more information on the characteristics of the person being identified by using the oral portrait method when questioning a minor before showing him or her for identification [8]. As noted by Kh.A. Asatryan and S.D. Takaishvili, it is expedient to create an oral portrait of the recognizable person and to involve specialists in this field of this work [9] in order to ensure the reliability of the results of the investigative action for identification.

Another tactical task that must be addressed in conducting this investigative action is to take measures to prevent the identifier and the recognized person from seeing each other until the investigative action begins. In this regard, M.A. Astashov stated that in order to prevent the identifier from meeting with the identifiee, it is necessary to correctly choose their location before the start of the investigative action [10]. It is advisable to first summon these participants to the premises where the investigation is being conducted at different times in order to do this, and to use auxiliary personnel and technical means to summon the identifier to the room after the beginning of the investigation.

3. Conclusions

Based on the above, the following conclusions were drawn on the preparation, conduct and formalization of the results of the demonstration investigative action for identification with the participation of minors in specially equipped rooms:

- 1. In determining the place and form of the investigative action for the identification of minors, their personal characteristics and procedural status must be taken into account.
- 2. In investigative units in areas where specially equipped interrogation rooms are not established, demonstrations for identification with the participation of minors may be carried out by darkening the identifying position and increasing the light level of the identifying position.
- 3. In cases where a minor finds it difficult to answer certain questions about the appearance of the person during the interrogation, it is advisable to make an oral portrait of the person and to involve in this work specialists of this field.
- 4. It is advisable to summon the participants to the premises where the investigation is conducted at different times, to use assistants or technical means to summon them to the room in order to prevent the identifier and the recognized person from seeing each other before the beginning of the investigation.

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